

The Honorable Senate of the State of Texas:

I am instructed by the House of Representatives to inform the Senate that the House has adjourned for the day as a mark of respect to Mrs. R. H. Ward, who died this morning; and I am further instructed to inform the Senate that the House will attend the funeral in a body, from the hall of the House of Representatives at 4 p. m., and respectfully request the Senate to accompany the House of Representatives.

L. T. DASHIEL, Speaker.

The following resolution was offered:

Whereas, the pitiless hand of misfortune has fallen heavily upon the Hon. R. H. Ward, an honored member of the House of Representatives, and removed from his family circle his life companion; therefore be it

Resolved by the Senate of the State of Texas, that we extend to our friend and co-laborer, the Hon. R. H. Ward, and his bereaved family, our profound sympathy in this, the dark hour of their bereavement.

YANTIS,
GOUGH.

Unanimously adopted.

Senator Kerr offered the following resolution:

Whereas, the Senate is advised of the death of the estimable wife of the Hon. R. H. Ward, a distinguished member of the House of Representatives; therefore be it

Resolved, that the Senate adjourn until Tuesday morning at 10 o'clock in memory of the deceased, and that all Senators, as an expression of sympathy, attend the funeral services in a body.

On motion of Senator Burns, the resolution was unanimously adopted.

SIXTY-FIFTH DAY.

Senate Chamber.

Austin, Texas, Tuesday, April 6.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Goss.
Beall.	Harrison.
Bowser.	Kerr.
Burns.	Linn of Victoria.
Darwin.	Morriss.

Neal.
Presler.
Ross.
Stafford.
Terrell.

Turney.
Wayland.
Yantis.
Yett.

Absent.

Bailey.
Boren.
Colquitt.
Dibrell.
Gough.
Greer.

Lewis.
Linn of Wharton.
Rogers.
Stone.
Tillett.
Woods.

Prayer by Rev. Dr. McLean, regent of the Southwestern University, at Georgetown, Texas:

We lift up our hearts to Thee, O thou eternal God, the source of being and of blessing; invoking Thy mercies commensurate with our duties and responsibilities, that we may quit us like men in the great battle of life, meeting fully and faithfully our obligations in Thy fear and favor. Let Thy blessing be upon this great commonwealth, upon all who are in authority, that we may lead quiet and peaceable lives in godliness and in honesty. Bless Thy servant, the president of these United States, his cabinet and congress assembled, that great wisdom, patriotism and justice may characterize their deliberations and doings, and more abundant peace and prosperity come to our land. Bless all civil officers, executive and judicial, that our citizenship may be more perfectly secured in life, liberty, property, and in the pursuit of happiness. And now, bless this immediate presence, Thy servant, the presiding officer, and these State Senators, that their deliberations may be characterized with harmony and their conclusions with justice. Bless likewise the co-ordinate branch of this Legislature, that they, too, may be guided well and wisely in their official acts. Bless, we beseech Thee, the Governor in his delicate and responsible position; may he be characterized with firmness, fairness and patriotism, and he and his associates so administer the affairs of State that harmony and happiness may abound. And now, Father, pardon all our sins, renew us unto righteousness, and save us in heaven, for Christ's sake. Amen.

Senator Beall moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	Burns.
Beall.	Darwin.
Bowser.	Goss.

Harrison.	Stafford.
Kerr.	Terrell.
Linn of Victoria.	Turney.
Morriss.	Wayland.
Neal.	Yantis.
Presler.	Yett.
Ross.	

Absent.

Bailey.	Lewis.
Boren.	Linn of Wharton.
Colquitt.	Rogers.
Dibrell.	Stone.
Gough.	Tillett.
Greer.	Woods.

Senators Colquitt and Stone were announced.

Quorum announced.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Wayland,

Senator Greer was excused from attendance on Monday, Tuesday and Wednesday of this week, on account of important business.

On motion of Senator Kerr,

Senator Rogers was excused from attendance on Saturday last and all of this week, because of sickness.

On motion of Senator Yantis,

Senator Woods was excused from attendance on Saturday last and Monday, Tuesday and Wednesday of this week, on account of important business.

On motion of Senator Kerr,

Senator Stone was excused for non-attendance on last Friday, Saturday and Monday, on account of important business.

On motion of Senator Presler,

Senator Goss was excused for non-attendance on Friday and Saturday of last week and Monday of this week, on account of important business.

On motion of Senator Wayland,

Senator Harrison was excused for non-attendance on yesterday, on account of important business.

On motion of Senator Ross,

Senator Tillett was excused for this week, on account of sickness.

On motion of Senator Terrell,

Senator Atlee was excused for non-attendance on yesterday on account of important business.

On motion of Senator Neal,

Senator Stafford was excused for non-attendance on yesterday, on account of sickness.

On motion of Senator Beall,

Page Garvie Harrison was excused for yesterday.

On motion of Senator Neal,
Page Edward Morrison was excused for Saturday, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Yantis:

Protest of board of directors of Waco Commercial Club against the bill providing for the purchase of the Texas Central Railroad by the Houston and Texas Central Railroad company.

Read and referred to Judiciary Committee No. 1.

By Senator Turney:

Petition from citizens of Haskell county praying for a change in their judicial district.

Read and referred to the Committee on Judicial Districts.

By the Chair (at request of Senator Rogers):

Protest of 146 citizens of Houston county against the passage of the bill redistricting the State judicially.

Read and (at request of Senator Rogers) sent to the members of the House from Houston county.

By Senator Beall:

Resolution from citizens of Alvarado and vicinity favoring the passage of the uniform text-book bill.

Read and referred to Committee on Education.

By Senator Neal:

Protest of the bar, county officials and citizens of Walker county against the dismemberment of the Twelfth Judicial District, as proposed by the redistricting bill now pending.

Read and referred to the Committee on Judicial Districts.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 3, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 338, a bill to be entitled "An act to authorize the county commissioners courts of the various counties in this State to retire and fund their outstanding floating indebtedness and to provide for the payment of the same."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 2, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Finance, to whom was referred

House bill No. 205, a bill to be entitled "An act to provide for the payment of tax assessors for taking agricultural statistics for the year 1895,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,

Austin, Texas, April 6, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 60, a bill to be entitled "An act to amend article 1180, title XXX, of the Revised Civil Statutes of the State of Texas, relating to the institution of suits on holidays and on Sundays."

And find the same correctly enrolled, and have this day, at 10:50 a. m., presented the same to the Governor for his approval.

NEAL, Acting Chairman.

Committee Room,

Austin, Texas, April 6, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate joint resolution No. 8, to amend section 3, article XI, of the Constitution of the State of Texas, so as to authorize certain counties to give aid in the construction of railways,"

And find the same correctly enrolled, and have this day, at 10:50 a. m., presented the same to the Governor for his approval.

NEAL, Acting Chairman.

Committee Room,

Austin, Texas, April 5, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your committee selected to visit and inspect the Medical Branch of the University situated at Galveston, Texas, have heretofore performed the duty assigned them, and beg leave to make the following report:

After a careful inspection of the University and Hospital buildings, and after a most earnest inquiry into the systems and methods of its

management, we were impelled to the conclusion that no institution could have been more wisely or economically administered for the past two years under the conditions surrounding, and in view of the very many pressing demands made upon the available funds of the school by unexpected growth in the student population; and, therefore, with much pleasure, we report that every officer and member of the faculty is deserving of the highest praise for the abundant evidence of efficiency, scholarship and diligent performance of duty observable throughout the institution and in its every department.

We were strongly impressed with the remarkable administrative capacity displayed in the conduct of this institution and most heartily accorded the board of regents and officers the degree of credit due them when our attention was called to the fact that the institution was being maintained and instruction given to 288 students upon an appropriation made to cover the estimated cost of a corps of students 166 in number. Necessarily such results could not be obtained save at the expense of other sections and departments of the institution whose requirements could be abridged or delayed to the present time. This method of conducting the institution should not be permitted to continue longer, for the obvious reason that the value and efficiency of the school must in the end be affected thereby.

We found the University building sadly in need of repairs, both upon the inside and upon the outside. There have been no repairs upon the building since its erection, and an absolute necessity exists for a new composition floor for the dissecting room, the old one having been ruined by the corrosion of acids or fluids used upon dead bodies, new plastering upon the ceilings of the lower stories, and repairs and painting of the ornamental and metallic work upon the outside, the probable cost of which will not be less than \$4000. Another absolute necessity for the efficiency of the school is additional apparatus, chemicals, seating and shelving capacity in the laboratories and museum, the probable cost of which will not be less than \$3000.

We take especial pride in calling attention to the unprecedented growth of this State institution and to the many marks of favorable consideration bestowed upon it at the hands of those conversant with the merits,

standing and requirements of first-class colleges. The fact that the capacity of the school is taxed to the utmost limit, at this early period of its existence, with an annual increase of over 60 per cent for two years past, is attributable to a concurrence of two factors adequate at all times to secure success in the administration of an institution of such character, to-wit, a corps of instructors distinguished above their fellows for scholarship and skill, and a course of study which fits the student fully for his profession and the duties and responsibilities it entails.

We are pleased to report the concurrence of these conditions in the Medical Branch of the University, and that in our opinion it is doing a great work in the line of medical instruction, and we bespeak for its continued support, maintenance and efficiency the most generous treatment practicable under the present conditions. Forty-five thousand dollars is urgently needed for the maintenance of 288 students with the required degree of success.

In regard to the John Sealy Hospital which belongs to the State, but which is now leased to the city of Galveston for a nominal consideration, we carefully inspected the same in every ward and department, and we find that its management is not subject to criticism in any particular. We found the hospital full of patients, and learned that it was unable to meet the demands made upon it. We would suggest the advisability of building three or four additional wards for the use of this institution, as it will undoubtedly result to the benefit of the University in the allowance of additional bed-side instruction. The classes of which have now become so large as to be unwieldy with the present facilities. It would probably be wise upon the part of the State to create a ward or wards for the treatment of that class of insanity which could probably be treated there at less cost to the State than anywhere else, such a course having the additional merit of affording the students in the University an opportunity for actual practice in such cases of insanity, probably resulting in great good and in a wider diffusion of knowledge upon this difficult subject among the profession.

In conclusion, we respectfully com-

mend this institution to the favorable consideration of the Legislature.

Respectfully submitted,

BEALL,
LINN of Wharton,
TURNERY.

BILLS AND RESOLUTIONS.

By Senator Yantis:

Senate bill No. 344, a bill to be entitled "An act to limit the effect of immaterial clauses in life and fire insurance contracts and policies, and to provide that such statements by the assured as are not material and do not increase the risk of insurance shall be considered as representations, and not as warranties, and shall not avoid contracts of insurance."

Read first time and referred to Judiciary Committee No. 1.

By Senator Linn of Victoria:

Senate concurrent resolution No. 22, granting to the Eighth Texas Cavalry Association, known as "Terry's Rangers," permission to erect in the Capitol grounds a monument to their heroic dead.

Read and referred to the Committee on Public Buildings and Grounds.

By Senator Bowser (by request):

Senate joint resolution No. 12, empowering the Railroad Commission of Texas to employ an attorney to represent the State in opposition to the application of the St. Louis Business Men's League for a ruling by said Railroad Commission requiring interstate lines of railways operating from St. Louis to common points in Texas to lessen the difference between car loads and less than car load freight rates.

Read and referred to Committee on State Affairs.

By Senator Bowser:

Senate joint resolution No. 11, creating a commission to investigate and report to the next session of the Legislature such measure or measures as may be deemed appropriate to correct the evils growing out of the violation of section 6, article XII, of the Constitution of the State by private corporations, and providing for the compensation of the commission, etc.

Read and referred to Committee on State Affairs.

By Senator Ross:

Be it Resolved, That the Secretary of the Senate be and is hereby instructed to have made an enrolled copy of Senate concurrent resolution No. 15, duly authenticated and signed by the President of the Senate and

the Speaker of the House and the secretaries of each house. The same to be made on parchment and stamped with the seal of the State of Texas, and presented officially to Sir Swante Palm as a slight recognition of his munificent gift to the State University.

Read and adopted.

Call concluded.

HOUSE MESSAGE.

The following House message was received:

House of Representatives,
Austin, Texas, April 5, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 223, a bill to be entitled "An act to restore and confer upon the county courts of Menard and Atascosa counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and General Laws of the State, and to conform the jurisdiction of the districts courts of said counties to such change, and to repeal all laws in conflict with this act."

House bill No. 70, a bill to be entitled "An act to establish a branch of the University of Texas for the higher education of the colored youth."

House bill No. 589, a bill to be entitled "An act to amend article 2313, chapter 4, title 40, of the Revised Civil Statutes, 1895, relating to the introduction of certain abstracts of titles as evidence."

Passed by two-thirds vote: ayes 87, noes none.

With engrossed rider.

House bill No. 592, a bill to be entitled "An act to amend section 3, of chapter 132, of the acts of the Twenty-fourth Legislature, establishing a special road law for Dallas and Lamar counties, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general laws of the State."

With engrossed rider.

House bill No. 517, "An act to make it a felony for any president, director, manager, cashier or other officer of any bank, banking institution, or the owner or owners or agents or managers of any private bank or banking institution to receive money on deposit when said institutions are insolvent or in failing circumstances."

Substitute House bills Nos. 504, 505 and 583, "An act to amend the charter of the city of Galveston."

House bill No. 653, a bill to be entitled "An act to prohibit the taking of fish from the waters of Carter Lake, Clinton Lake, and Caddo Lake and their tributaries in Harrison or Marion counties in this State, otherwise than by means of ordinary hook and line and trot line; and to prohibit the sale of game fish in said counties of Harrison and Marion, and to provide penalties for the violation thereof."

House bill No. 651, "An act to prohibit the catching of fish, green turtle, loggerheads, terrapins or shrimp with seines, drag-nets, set-nets, traps, dams or weirs in any bays or navigable waters of this State."

House bill No. 654, a bill to be entitled "An act to create a more efficient road system for Gregg county, and to provide for the appointment of road overseers, and to define the powers and jurisdiction of the commissioners court with regard thereto, and to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and providing for the appointment of an overseer to work such convicts and defaulting poll tax payers,"

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 70, to Committee on Education.

House bill No. 589, to Judiciary Committee No. 1.

House bill No. 592, to Committee on Roads, Bridges and Ferries.

House bill No. 517, to Judiciary Committee No. 2.

Substitute House bills Nos. 504, 505 and 583 to Committee on Towns and City Corporations.

House bill No. 653, to Judiciary Committee No. 1.

House bill No. 651, to Judiciary Committee No. 2.

House bill No. 654, to Committee on Roads, Bridges and Ferries.

On motion of Senator Yantis, the regular order of business was suspended, to take up on its second reading,

Senate bill No. 341, a bill to be entitled "An act to create a more efficient road system for Milam coun-

ty, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts on public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner of training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith."

Bill read second time, and ordered engrossed.

On motion of Senator Yantis, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Neal.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Goss.	Turney.
Harrison.	Wayland.
Kerr.	Yantis.
Linn of Victoria.	Yett.
Morriss.	

Nays—none.

Absent.

Bailey.	Gough.
Boren.	Lewis.
Dibrell.	Linn of Wharton.

Excused.

Greer.	Tillett.
Rogers.	Woods.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Morriss.
Beall.	Stafford.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Goss.	Turney.
Harrison.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.
Neal.	

Nays—none.

Absent.

Bailey.	Gough.
Boren.	Kerr.
Dibrell.	Lewis.

Excused.

Greer.	Tillett.
Rogers.	Woods.

The chair gave notice of signing, and did sign after their captions had been read.

Senate joint resolution No. 8, being a resolution to amend section 3 of article XI of the Constitution of the State of Texas, so as to authorize certain counties to give aid in the construction of railways.

Senate bill No. 60, a bill to be entitled "An act to amend article 1180, title XXX, chapter 1 of the Revised Civil Statutes of the State of Texas, relating to the institution of suits on holidays and on Sundays."

On motion of Senator Beall, the regular order of business was suspended, to take up on its third reading,

Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or filed, with surety or sureties, and guaranteeing the refraining from or performance by another, of any act, duty or obligation, and to regulate such business, and to repeal chapter XVI, title 21, of the Revised Statutes of the State of Texas."

Bill read third time, and passed by the following vote:

Yeas—15.

Atlee.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Stone.
Goss.	Turney.
Kerr.	Wayland.
Linn of Victoria.	Yett.
Linn of Wharton.	

Nays—6.

Colquitt.	Stafford.
Harrison.	Terrell.
Ross.	Yantis.

Yeas.	Paired.	Nays.
Rogers.	Darwin.	

Absent.

Bailey.	Gough.
Boren.	Lewis.
Dibrell.	

Excused.

Greer. Woods.
Tillett.

Senator Beall moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.
Tabled.

The Chair laid before the Senate, on second reading,

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto; making appropriation therefor; defining certain misdemeanors; providing penalties for the violation of the provisions of this act, and declaring an emergency."

Bill read second time with committee amendments.

At the request of Senator Presler, the committee amendments were considered separately.

First committee amendment read, to-wit:

Amend section 1 by adding after the words "or writing books" the words "English composition, physical geography, physics, algebra, and elements of geometry."

Lost.

Second committee amendment read, to-wit:

Amend section 1 by adding after the words "eclectic copy books" the following: "Provided, that said board, in selecting said books, shall give preference to the text-books of Texas authors, the price and merit of same being equal to other text-books offered."

Adopted.

Third committee amendment read, to-wit:

Amend section 1 by striking out the words "President of the State University," and insert "Attorney-General."

Lost by the following vote:

Yeas—10.

Colquitt.	Stafford.
Darwin.	Terrell.
Harrison.	Wayland.
Morriss.	Yantis.
Ross.	Yett.

Nays—12.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Bowser.	Neal.
Burns.	Presler.
Goss.	Stone.
Kerr.	Turney.

Absent.

Bailey. Gough.
Boren. Lewis.
Dibrell.

Excused.

Greer. Tillett.
Rogers. Woods.

(Senator Wayland in the chair.)

Fourth committee amendment read, to-wit:

Amend by striking out section 13.

Adopted.

Fifth committee amendment read, to-wit:

Amend section 14 by striking out the words "ten thousand," and inserting "two thousand."

Adopted.

By Senator Presler:

Amend the caption in line 6 by striking out the words "empower the State Board of Education," and insert in lieu thereof "create a State Text-Book Board and"

Adopted.

By Senator Presler:

Amend section 1 by inserting before the word "Board" in line 14 the words "State Text-Book."

Adopted.

By Senator Presler:

Amend section 1 by inserting before the word "grammar" in line 22 the words "language lessons and."

Adopted.

Senator Presler stated that he had yet several amendments perfecting the bill, which he desired to offer, whereupon

Senator Colquitt moved that the amendments be ordered printed in the Journal, and that the further consideration of the bill be postponed till Friday, April 9, after call, and that it be made special order for that time, and from day to day until disposed of.

So ordered.

The amendments (Presler's) are as follows:

(a) Amend section 1 by striking out all the words of this section after the word "the" in line 26, and inserting in lieu thereof the following: "Books furnished shall be in all respects equal to the samples furnished the text-book board at the time of filing bids, and fully equal in both internal and in external material qualities to the books in general use in the State on the respective subjects."

(b) Amend section 2, page 3, by adding after "act," in line 19, the following: "Said bond shall not be exhausted by a single recovery, but may be sued upon from time to time till the

full amount thereof is recovered, and the board may at any time after twenty days' notice require a new bond to be given."

(c) Amend section 3, page 3, by inserting after the word "books," in line 28, the following: "Said text-book board shall then proceed without delay to adopt for use in the public schools of this State text-books upon the branches hereinbefore mentioned, and notify publishers to whom contracts are awarded, and as each contract duly signed by the publishing house, or its authorized officers or agents, is presented to the board, if it is found to be in accordance with the award and the provisions of this act, and the bond herein required is presented, duly approved, the board shall approve said contract, and order it to be signed on behalf of the State by the Governor, who shall be ex officio chairman of the text-book board, in his capacity as chairman, and by the State Superintendent of Public Instruction, who shall be ex officio secretary of the text-book board, in his capacity as said secretary; thereupon, the Governor and the State Superintendent of Public Instruction shall sign said contract in said respective capacities; and all contracts shall be made in duplicate, one copy to remain in the possession of the secretary, and to be copied in full in the minutes of the meetings of said board, to be kept in the office of the State Superintendent of Public Instruction in a well bound book, and the other copy to be delivered to the company or its agent."

(d) Amend section 3 by striking out all after the word "price," in line 5, page 4, and insert in lieu thereof the following, "above or in excess of the lowest price at which said publisher, or publishers, furnish under contract, the said book or books to any State, county or school district in the United States."

(e) Amend section 5, line 1, page 5, by striking out the word "board" and inserting "the State Superintendent of Public Instruction."

(f) Amend section 6, page 5, by inserting after the word "State," in line 10, the following, "having an enrollment of 500 pupils, or more, in the public schools, as shown by the last report of the county superintendent of the county, on file in the office of the State Superintendent of Public Instruction, and any person, in a county not having an agency for any of the adopted books, may order from the central agency, and the books so or-

dered shall be sent to him at any post-office in the county, at the retail contract price; provided, that the price of the books so ordered shall be paid in advance."

(g) Amend section 9, page 6, by striking out all after "that," in line 4, to and including the word "books," in line 7, and insert the following, "first-class suitable books on any branch herein named can not be secured by adopting any of the offers submitted in compliance with the provisions of this act, and that such books on such branch can be secured at rates not exceeding those fixed by this act by procuring and causing to be published manuscript of books on said branch."

Senator Atlee entered a motion to reconsider the vote by which the first committee amendment (see above) was lost, and had same spread upon the Journal.

Senator Presler entered a motion to reconsider the vote by which the third committee amendment (see above) was lost, and had same spread upon the Journal.

(Lieutenant Governor Jester in the chair.)

PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

Senate bill No. 302, a bill to be entitled "An act to require all corporations that are now required, or that may hereafter be required under the laws of this State, to keep on deposit with the State of Texas money, bonds or other securities, to hereafter keep on deposit with this State money, bonds of the State of Texas, or of some county or city therein, or first mortgage lien notes on real estate situated within this State, and declaring an emergency,"

Action being on engrossment.

On motion of Senator Colquitt, the call of the Senate was dispensed with.

By Senator Beall:

Amend by striking out all after the word "law," in line 22, down to and including the word "lien," in line 25, section 1, page 1.

Adopted.

By Senator Beall:

Amend by striking out all after the word "State," line 27, down to and including the word "State," where it first occurs in line 28.

Adopted.

By Senator Beall:

Amend by striking out in section 2 the words "vendor's lien notes."

Adopted.

By Senator Bowser:

Amend enacting caption to conform to the bill as amended.

Adopted.

By Senator Morriss:

Amend by striking out the words "and mortgage," in line 32.

Adopted.

Bill, as amended, ordered engrossed.

On motion of Senator Bowser, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Goss.	Terrell.
Harrison.	Wayland.
Kerr.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Bailey.	Gough.
Boren.	Lewis.
Dibrell.	Turney.

Excused.

Greer.	Tillett.
Rogers.	Woods.

Bill read third time, and passed by the following vote:

Yeas—20.

Atlee.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Darwin.	Ross.
Goss.	Stone.
Gough.	Terrell.
Harrison.	Wayland.
Kerr.	Yantis.
Linn of Victoria.	Yett.

Nays—1.

Stafford.

Absent.

Bailey.	Dibrell.
Boren.	Lewis.
Colquitt.	Turney.

Excused.

Greer.	Tillett.
Rogers.	Woods.

Senator Atlee moved a call of the

Senate for the purpose of maintaining a quorum, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Ross.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Harrison.	Turney.
Kerr.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.

Absent.

Bailey.	Dibrell.
Boren.	Lewis.
Colquitt.	

Excused.

Greer.	Tillett.
Rogers.	Woods.

On motion of Senator Goss, the regular order of business was suspended to take up, on second reading,

Senate bill No. 102, a bill to be entitled "An act to repeal articles 513b, 513c, 513d and 520, chapter 5, title 13, of the Penal Code of the State of Texas, and to amend articles 510, 511, 512, 513, 514, 515, 516, 517 and 518 of said chapter and title, and to further amend said chapter by adding thereto articles 517a, 518a, 518b, 518c, 518d, 518e, 518f and 518g, relating to the protection of fish, birds and game; and to repeal all laws and parts of laws in conflict herewith,"

Action being on the following amendment:

By Senator Yantis:

Amend article 518f by striking out the words "firm or incorporated company, in line 13.

Adopted.

By Senator Harrison:

Amend by adding after the word "dollars," in line 16, page 5, the following: "Provided, that the following counties shall be exempt from the provisions of articles 510, 511, 515, 517, 517a and 518a, namely, Bell, Bosque, Lampasas, Coryell, Panola, Hamilton, Delta, Hopkins, Franklin, Titus, Camp and Red River."

Lost.

By Senator Linn of Wharton:

Amend by inserting in line 10, page 4, after the word "shoot," the following, "except with a gun fired from the shoulder in the ordinary manner."

Adopted.

By Senator Linn of Victoria:

Amend article 517a by striking out in line 30 the words "or by taking with the ordinary trap."

Lost.

The bill was ordered engrossed by the following vote:

Yeas—19.

Atlee.	Kerr.
Beall.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Neal.
Colquitt.	Ross.
Goss.	Stafford.
Gough.	Stone.
Terrell.	Yantis.
Turney.	Yett.
Wayland.	

Nays—2.

Darwin. Harrison.

Absent.

Bailey.	Lewis.
Boren.	Morriss.
Dibrell.	Presler.

Excused.

Greer.	Tillett.
Rogers.	Woods.

On motion of Senator Goss, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Neal.
Beall.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Goss.	Turney.
Gough.	Wayland.
Kerr.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Nays—2.

Darwin. Harrison.

Absent.

Bailey.	Lewis.
Boren.	Morriss.
Dibrell.	Presler.

Excused.

Greer.	Tillett.
Rogers.	Woods.

Bill read third time.

By Senator Darwin:

Amend by adding to article 518f the following, "That the following counties shall be exempt from the provisions of articles 510 and 511, to-wit. Delta, Hopkins, Franklin, Titus, Camp and Red River."

Lost.

The bill was passed by the following vote:

Yeas—17.

Atlee.	Linn of Wharton.
Beall.	Neal.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Goss.	Turney.
Gough.	Yantis.
Kerr.	Yett.
Linn of Victoria.	

Nays—4.

Darwin.	Morriss.
Harrison.	Ross.

Absent.

Bailey.	Lewis.
Boren.	Presler.
Dibrell.	Wayland.

Excused.

Greer.	Tillett.
Rogers.	Woods.

We vote no, because our constituents do not want this measure in its present shape, except a few members of the gun clubs of our towns, at whose instance this measure is passed.

HARRISON,
DARWIN.

Senator Goss moved to reconsider the vote by which the bill was passed to lay that motion on the table.

Tabled.

On motion of Senator Gough, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 301, a bill to be entitled "An act to prevent the sale, the offering for sale or the giving away of questions or the answers to questions prepared for the examination of applicants for teachers' certificates, to prevent persons in official or public or quasi-public positions from permitting unauthorized persons to acquire a knowledge of such questions or of the answers thereto, and to prevent all carelessness, irregularity, dishonesty or fraud in handling the questions, and prescribing penalties for violations of this act."

Bill read second time.

By Senator Gough:

Amend by adding another section to read as follows:

"Sec. 4. The fact that there is now no law covering the matters provided for in this act, the near approach of the close of the session, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional

rule requiring bills to be read on three several days be suspended, and the same is hereby suspended."

Adopted.

Bill ordered engrossed.

Senator Gough moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be put upon its third reading and final passage.

No quorum, the following Senators voting:

Yeas—20.

Atlee.	Linn of Wharton.
Beall.	Morriss.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Turney.
Harrison.	Wayland.
Kerr.	Yantis.
Linn of Victoria.	Yett.

Nays—none.

Absent.

Bailey.	Lewis.
Boren.	Neal.
Bowser.	Presler.
Dibrell.	

Excused.

Greer.	Tillett.
Rogers.	Woods.

On motion of Senator Wayland, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Stafford.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Turney.
Harrison.	Wayland.
Kerr.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Absent.

Atlee.	Dibrell.
Bailey.	Lewis.
Boren.	Ross.

Excused.

Greer.	Tillett.
Rogers.	Woods.

PENDING BUSINESS.

The Chair laid before the Senate,

Senate bill No. 301, a bill entitled "An act to prevent the sale, the offering for sale, or the giving away of questions or the answers to questions prepared for the examination of applicants for teachers' certificates, to prevent persons in official or public or quasi-public positions from permitting unauthorized persons to acquire a knowledge of such questions or of the answers thereto, and to prevent all carelessness, irregularity, dishonesty or fraud in handling the questions, and prescribing penalties for the violation of this act."

Action being on suspending the constitutional rule (see morning session).

Suspended by the following vote:

Yeas—22.

Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Harrison.	Turney.
Kerr.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.

Nays—none.

Absent.

Atlee.	Dibrell.
Bailey.	Lewis.
Boren.	

Excused.

Greer.	Tillett.
Rogers.	Woods.

Bill read third time, and passed.

On motion of Senator Ross, the regular order of business was suspended, to take up, on its third reading,

Senate bill No. 193, a bill to be entitled "An act to amend article 4308 of title XC, of the Revised Civil Statutes of the State of Texas, relating to public weighers."

Bill read third time, and passed.

On motion of Senator Goss, the regular order of business was suspended to take up, on its third reading,

Senate bill No. 207, entitled "An act to repeal article 2757 of the Revised Civil Statutes of the State of Texas, relating to the sale of real estate in Texas belonging to non-resident wards and the removal of the proceeds beyond the State."

Bill read third time, and passed.

On motion of Senator Yantis, the

regular order of business was suspended to take up, on second reading,

Senate bill No. 343, a bill to be entitled "An act to redistrict the State of Texas into judicial districts, for the purpose of reducing their number and equalizing the work of the judges, to fix the times of holding court therein, to provide for the appointment of district judges and district attorneys in certain cases, and to repeal all laws and parts of laws in conflict herewith."

Bill read second time.

Senator Turney moved that further consideration of the bill be postponed till Friday, April 9.

Senator Wayland moved as a substitute that consideration be postponed till Tuesday, April 13.

Carried by the following vote:

Yeas—14.

Atlee.	Morriss.
Bowser.	Neal.
Darwin.	Presler.
Goss.	Stone.
Harrison.	Turney.
Kerr.	Wayland.
Linn of Victoria.	Yett.

Nays—8.

Burns.	Ross.	
Colquitt.	Stafford.	
Gough.	Terrell.	
Linn of Wharton.	Yantis.	
Yeas.	Paired.	Nays.
Rogers.	Beall.	
	Absent.	
Bailey.	Dibrell.	
Boren.	Lewis.	
	Excused.	
Greer.	Woods.	
Tillett.		

On motion of Senator Linn of Wharton, the regular order of business was suspended to take up on second reading,

Senate bill No. 226, a bill to be entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies and to legalize dissections by authorized persons."

Bill read second time and order engrossed.

On motion of Senator Linn of Wharton, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—19.

Atlee.	Neal.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Harrison.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—2.

Colquitt.	Darwin.
	Absent.
Bailey.	Kerr.
Boren.	Lewis.
Dibrell.	Turney.

Excused.

Greer.	Tillett.
Rogers.	Woods.

Bill read third time, and passed by the following vote:

Yeas—17.

Atlee.	Morriss.
Beall.	Stafford.
Bowser.	Stone.
Burns.	Terrell.
Goss.	Turney.
Gough.	Wayland.
Harrison.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Nays—4.

Colquitt.	Neal.
Darwin.	Ross.
	Absent.
Bailey.	Kerr.
Boren.	Lewis.
Dibrell.	Presler.
	Excused.
Greer.	Tillett.
Rogers.	Woods.

Senator Linn of Wharton moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

Senator Goss moved a call of the Senate for the purpose of maintaining a quorum, which was ordered, the following answering to their names:

Atlee.	Morriss.
Beall.	Neal.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Goss.	Turney.
Gough.	Wayland.
Harrison.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Absent.

Bailey.	Kerr.
Boren.	Lewis.
Dibrell.	Presler.

Excused.

Greer.	Tillett.
Rogers.	Woods.

Quorum announced.

On motion of Senator Colquitt, the regular order of business was suspended to take up on second reading,

Senate bill No. 275, a bill to be entitled "An act to amend subdivision 8, of article 1083, of the Code of Criminal Procedure of the State of Texas, relating to fees in certain cases."

Bill read second time.

By Senator Terrell:

Amend by inserting after the word "court" in line 12, page 1, the following: "or any grand jury in any case where no examining trial could have been had."

After discussion,

Senator Atlee moved that further consideration of the bill be indefinitely postponed.

Senator Yett moved, as a substitute, that further consideration be postponed till Monday, April 12.

Carried by the following vote:

Yeas—14.

Beall.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Goss.	Wayland.
Morriss.	Yantis.
Neal.	Yett.

Nays—8.

Atlee.	Linn of Victoria.
Bowser.	Linn of Wharton.
Gough.	Stafford.
Harrison.	Woods.

Absent.

Bailey.	Kerr.
Boren.	Lewis.
Dibrell.	Presler.

Excused.

Greer.	Tillett.
Rogers.	

The Chair gave notice of signing, and did sign in the presence of the Senate, after the caption had been read,

Senate bill No. 223, a bill to be entitled "An act to restore and confer upon the county courts of Menard and Atascosa counties the civil and criminal jurisdiction heretofore belonging

to said courts under the Constitution and general laws of the State of Texas; and to conform the jurisdiction of the district courts of said counties to such changes, and to repeal all laws in conflict with this act."

(Senator Stone in the chair).

By consent, the following bills were introduced:

By Senator Beall:

Senate bill No. 345, a bill to be entitled "An act to further amend section 2, of an act entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, of chapter 58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth District, and to repeal all laws in conflict with this act, approved March 21, 1893, as amended by an act entitled 'An act to amend section 2, of an act to be entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth Judicial District, and to repeal all laws in conflict with this act,' passed at the present session of the Legislature, and to further regulate and fix the times of holding courts in the Fortieth Judicial District, and to repeal all laws in conflict herewith."

Read first time, and referred to the Committee on Judicial Districts.

By Senator Colquitt:

Senate bill No. 346, a bill to be entitled "An act to provide for paying the traveling expenses of the Railroad Commissioners, clerks and other employees."

Read first time and referred to Committee on Internal Improvements.

By Senator Goss:

Senate joint resolution No. 13, to amend section 24, of article 3, of the Constitution of the State of Texas.

Read first time and referred to Committee on Constitutional Amendments.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, April 6, 1897.

Hon. George T. Jester, President of
the Senate.

I am directed by the House to in-
form the Senate of the passage of the
following bill:

House bill No. 629, entitled "An act
to prevent the selling or trading of an-
imals of the horse or ass species af-
fected with a discharge from the
nose."

Passed by a two-thirds vote: yeas
74, nays 26.

Respectfully,
LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported House bill was
read first time, and referred to Judi-
ciary Committee No. 2.

COMMITTEE REPORTS.

The following committee reports
were made:

Committee Room,
Austin, Texas, April 6, 1897.

Hon. Geo. T. Jester, President of the
Senate:

Your Committee on Education, to
whom was referred

House bill No. 286, a bill to be en-
titled "An act to provide for the redist-
ricting of Menard and Montague
counties into public free school dis-
tricts."

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the rec-
ommendation that it do pass, with the
following amendments:

Amend the caption by striking out
all after the word "of" down to and
including the word "counties," and in-
sert in lieu thereof "the counties of
this State."

Amend section 1 by striking out all
after the word "commissioners" down
to and including the word "each," and
insert in lieu thereof the following:
"court of any county in this State is."

Amend section 1 by striking out the
word "their" and insert "its."

PRESLER, Chairman.

Committee Room,
Austin, Texas, April 6, 1897.

Hon. Geo. T. Jester, President of the
Senate:

Your Judiciary Committee No. 1, to
whom was referred

Senate bill No. 344, a bill to be en-
titled "An act to limit the effect of im-
material clauses in life and fire insur-

ance contracts and policies, and to pro-
vide that such statements by the as-
sured as are not material and do not
increase the risk of insurance shall be
considered as representations and not
as warranties, and shall not avoid con-
tracts of insurance."

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the rec-
ommendation that it do pass.

PRESLER, Acting Chairman.

Committee Room,
Austin, Texas, April 6, 1897.

Hon. George T. Jester, President of
the Senate.

Your Judiciary Committee No. 2, to
whom was referred

House bill No. 517, a bill to be en-
titled "An act to make it a felony for
any president, director, manager, cash-
ier or other officer of any bank, bank-
ing institution, or the owner, agent or
manager of any private bank or bank-
ing institution, or the president, vice-
president, secretary, treasurer, direc-
tor or agent of any trust company or
institution doing business in the State
of Texas, to receive or assent to the
reception of any deposit of money or
other valuable thing in such bank,
banking institution or trust company
or institution, or for any such officer,
owner or agent of such bank, bank-
ing institution, or president, vice-presi-
dent, secretary, treasurer or director
or agent of such trust company or in-
stitution to create or assent to the cre-
ation of any debt, debts or indebted-
ness in consideration or by reason of
which indebtedness any money or val-
uable property shall be received into
such bank or banking institution or
trust company or institution after he
shall have had knowledge of the fact
that such bank, banking institution or
trust company or institution or the
owner or owners of any such private
bank or institution is insolvent or in
failing circumstances, and to provide
an appropriate penalty therefor."

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the rec-
ommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, April 5, 1897.

Hon. George T. Jester, President of
the Senate.

Your Committee on Engrossed Bills
have carefully examined and com-
pared

Senate bill No. 296, a bill to be en-
titled "An act to amend chapter 14, of

title 86, of the Revised Civil Statutes of 1895, by adding after article 3993b a new article, to be numbered 3993c, providing for the organization of school districts in community counties and validating such districts heretofore organized,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, April 3, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 324, a bill to be entitled "An act to amend article 594 of chapter 11, title 18, of the Revised Civil Statutes of Texas, so as to confer on the board of aldermen of towns and villages having a population of 500 inhabitants and over the right to establish, erect, construct, regulate and keep in repair bridges, culverts, sidewalks, crossings, and to regulate the construction and use of the same; and to make the owner of the lot or lots fronting on a sidewalk responsible for the cost of construction, and creating a lien against said lot or lots for the amount of said cost."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, April 6, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 223, a bill to be entitled "An act to restore and confer upon the county courts of Menard and Atascosa counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general laws of the State, and to conform the jurisdiction of the district courts of said counties to such changes, and to repeal all laws in conflict with this act,"

And find the same correctly enrolled, and have this day, at 4:05 p. m., presented the same to the Governor for his approval.

NEAL, Acting Chairman.

Committee Room,

Austin, Texas, April 5, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Public Buildings and Grounds, to whom was referred

Senate concurrent resolution No. 22, a resolution granting to the Eighth Texas Cavalry Association, known as Terry's Texas Rangers, the right to place in the capitol grounds a monument to their heroic dead,

Have had the same under consideration, and I am intructed to report the same back to the Senate with the recommendation that it do pass.

YETT, Chairman.

On motion of Senator Darwin, the Senate adjourned to 10 a. m. to-morrow.

SIXTY-SIXTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, April 7.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Absent.

Atlee.	Dibrell.
Bailey.	Linn of Wharton.
Boren.	

Excused.

Greer.	Tillett.
Rogers.	Woods.

Prayer by the Chaplain, Rev. F. S. Jackson.

Almighty God: We come to Thee, the source of all wisdom, strength and goodness, and ask the continuation of Thy favors to us. Do Thou so guide us that we may not walk in the insidious and popular counsel of the ungodly, nor stand with sinners and become identified with their conduct, nor sit in or near the seat of the scorner and hear his corroding and destructive slander of all sacred things and relations. May our delight be in Thy law, and help us to meditate thereon day and night. May our characters be like a tree planted by rivers of water, that bringeth forth its